

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

<i>In re:</i> SETTLEMENT FACILITY DOW CORNING TRUST	§ § § §	Case No. 00-CV-00005 (Settlement Facility Matters) Hon. Denise Page Hood
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**DECLARATION OF KIMBERLY SMITH-MAIR REGARDING THE
FINANCE COMMITTEE’S MOTION FOR ORDER TO SHOW CAUSE**

I, Kimberly Smith-Mair, declare as follows based upon my recollection and review of certain data and documents:

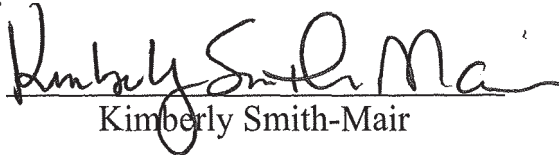
I am the Claims Administrator for the Settlement Facility-Dow Corning Trust (“Settlement Facility” or “SF-DCT”).

1. As Claims Administrator, I have knowledge of past and present procedures implemented to process the Settling Breast Implant Claims in accordance with the terms of the Settlement Facility and Fund Distribution Agreement (“SFA”) and the Claims Resolution Procedures (“Annex A” to the SFA).
2. As Claims Administrator, I have knowledge of all Orders issued by the Court that pertain to the administration and payment of claims submitted to the SF-DCT including Closing Order 4 Requiring Completion Of Court-directed Audit Survey And Return Of Funds Pursuant To Closing Order 2, ECF No. 1640.
3. As Claims Administrator, and as a member of the Finance Committee I have knowledge of all notices and information posted by the SF-DCT and of notices, letters, and information sent to and received from attorneys of record.
4. I have reviewed and am familiar with the Motion For Order to Show Cause with Respect to Law Firms and Counsel Who have Failed to Respond to the Audit Survey Required by Closing Order 4.
5. In accordance with Closing Order 4, I supervised the preparation and mailing of notices to all law firms and counsel who had cashed at least one payment from the Settlement Facility.

6. The first notice to all such law firms and counsel was distributed on April 28, 2022. The mailing package included Closing Order 4 and the Court-mandated survey form. The instructions specified, in accordance with Closing Order 4, that the survey must be returned to the Settlement Facility by May 28, 2022.
7. On June 16, 2022, the Settlement Facility sent a second notice to all of the firms and counsel that failed to respond to the survey distributed on April 28, 2022. The second notice advised that under Closing Order 4, any firm that failed to respond to the survey could be subject to sanctions. The deadline for responding was July 15, 2022.
8. The Settlement Facility has tracked the responses to the notices and identified 814 law firms and counsel that did not respond to either the first or second notice. A list of the law firms and counsel who, as of the date of this declaration have not yet responded to the Audit Survey is appended as Exhibit 1A.

Pursuant to 28 U.S.C. Section 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 21st day of March 2023.


Kimberly Smith-Mair